

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**LEONARD C. JEFFERSON,**

**Plaintiff**

**v.**

**WILLIAM WOLFE, et al.,**

**Defendants.**

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**C.A. No. 04-44 ERIE**

**Judge McLaughlin**

**Magistrate Judge Baxter**

**MOTION FOR EXTENSION OF TIME**

AND NOW, come the defendants, William Wolfe and Jeffrey Beard, by their attorneys, Thomas W. Corbett, Jr., Attorney General, Christian D. Bareford, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and move for an extension of time to respond to plaintiff's third amended complaint, as follows:

1. On February 25, 2004, plaintiff's original complaint was filed with this Court. See Doc. #3.

2. On October 21, 2004, defendants Wolfe and Beard moved to dismiss the complaint in its entirety. See Doc. ## 13, 14.

3. On November 19, 2004, plaintiff moved to amend his complaint. See Doc. #17. On December 6, 2004, defendants opposed plaintiff's attempt to amend his complaint on the basis of futility. Doc. #20.

4. On December 7, 2004, plaintiff's motion to amend his complaint was granted (to be referred to as plaintiff's first amended complaint). Doc. #21.

5. On December 21, 2004, plaintiff sought to amend his complaint a second time, referred to as a supplemental amendment. Doc. #23.

6. On January 7, 2005, defendants Wolfe and Beard moved to dismiss plaintiff's first amended complaint in its entirety for failing to state a claim for which relief can be granted. Doc. ## 26, 27.

7. On January 24, 2005, defendants Wolfe and Beard opposed plaintiff's attempt to amend his complaint a second time on the basis of futility. Doc. #29.

8. On January 24, 2005, defendants Wolfe and Beard moved to dismiss the second amended complaint, even though leave of Court had not yet been obtained. Doc. ## 30, 31.

9. On January 25, 2005, plaintiff's motion to amend his complaint a second time was granted. Doc. #32.

10. On February 18, 2005, plaintiff moved a third time to amend his complaint. Doc. #35.

11. On March 11, 2005, defendants Wolfe and Beard opposed plaintiff's attempt to amend his complaint a third time. Doc. 37.

12. On March 30, 2005, plaintiff's motion to amend his complaint a third time was granted and plaintiff was ordered to provide the requisite number of copies of the complaint to the U.S. Marshall for service. Doc. #38. Plaintiff did not comply with this order.

13. On May 5, 2005, despite never having served any previously named or newly named defendant with a copy of the third amended complaint, plaintiff moved for entry of default judgment. Doc. #40.

14. On May 19, 2005, defendants Wolfe and Beard opposed the entry of default judgment, informing the Court of the fact that plaintiff never effectuated service of his third amended complaint. Doc. #41. Within that same response, defendants Wolfe and Beard renewed their motion to dismiss. Id.

15. On September 6, 2005, counsel for defendants Wolfe and Beard received service of the third amended complaint.

16. Requests for waivers of service of summons were mailed to the newly named defendants in the third amended complaint on August 24, 2005. Accordingly, a responsive pleading is not due to the Court until October 24, 2005.

17. Defendants Wolfe and Beard respectfully request an extension of the date for which their response to the third amended complaint is due until the date the other defendants must file a response.

**RELIEF REQUESTED**

WHEREFORE, Defendants Wolfe and Beard respectfully request that their responsive pleading not be due until October 24, 2005, the date in which the newly added defendants are expected to respond.

Respectfully submitted,

**Thomas W. Corbett, Jr.**  
ATTORNEY GENERAL

BY: \s\Christian D. Bareford  
CHRISTIAN D. BAREFORD  
Deputy Attorney General  
PA I.D. # 83982

SUSAN J. FORNEY  
Chief Deputy Attorney General  
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL  
6<sup>th</sup> Floor, Manor Complex  
564 Forbes Ave.  
Pittsburgh, PA 15219

Date: September 14, 2005

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on September 14, 2005 a true and correct copy of the foregoing Motion for Extension of Time was electronically filed with the Clerk of Court using the CM/ECF system, and the document was mailed by United States Postal Service to the following non CM/ECF participants:

Leonard C. Jefferson, CL4135  
SCI-Albion  
10745 Route 18  
Albion, PA 16475-0004

/s/ Christian D. Bareford  
CHRISTIAN D. BAREFORD  
Deputy Attorney General

OFFICE OF ATTORNEY GENERAL  
6<sup>th</sup> Floor, Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219  
Phone: (412) 565-3570  
Fax: (412) 565-3019

Date: September 14, 2005